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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,694	08/16/1999	CHANDA DHARAP	23737	4040

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EXAMINER
VERBRUGGE, KEVIN

ART UNIT	PAPER NUMBER
2187	

DATE MAILED: 05/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

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Office Action Summary	Application No.	Applicant(s)	
	09/374,694	DHARAP, CHANDA	
	Examiner	Art Unit	
	Kevin Verbrugge	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

The request filed on 3/11/02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/374694 is acceptable and a CPA has been established. An action on the CPA follows. No amendment was filed with the CPA request, therefore claims 1-20 are still pending and the rejection is repeated and made final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art of pages 1 and 2 of the specification.

Regarding claims 1, 7, 10-15, and 20, in the paragraph bridging pages 1 and 2 of the specification, Applicant admits that it was known to receive a copy of an information resource (image or text) from a remote source (web site on the internet) and to cache the copy of the information in dependence upon a semantic type associated with the

resource (whether it is an image or text). Applicant admits that it was known to treat images and text differently when he says that "a cache controller for caching information downloaded from the internet may retain downloaded image information for a longer average duration than downloaded text information."

Regarding claim 2, the known caching is at least one of the claimed types.

Regarding claims 3 and 4, in the admitted prior art system, a user requests data from an internet site as claimed, and the semantic type may be determined from the request since it is a request to reload an image or some text.

Regarding claims 5 and 16, the semantic type is based on the content of the resource (image/text).

Regarding claims 6, 9, 18, and 19, the remote source is an internet site as claimed, available via an internet service provider.

Regarding claim 8, the image/text serves as the claimed indication.

Regarding claim 17, the internet is the claimed database, comprising indexes of images and text.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-5, 7, 8, 10, and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,061,763 to Rubin et al., hereinafter simply Rubin.

Regarding claims 1, 7, 8, 10, and 12-17, Rubin teaches a memory management system employing multiple buffer caches. Specifically, he teaches a method of processing an information resource comprising receiving a copy of the information resource (data object) from a remote source (storage devices storage devices 214, 216, and 218 in Fig. 4) and caching the copy of the information resource (in buffer caches 224 and 222) in dependence upon a semantic type (predefined or predetermined criteria) associated with the resource. He shows this in Fig. 4 and describes it at column 2, lines 25-56 and column 8, lines 13-64.

Regarding claim 2, Rubin's is static.

Regarding claims 3 and 4 , Rubin's device determines the semantic type based on a request from the user as taught at column 2, lines 46-49.

Regarding claim 5, Rubin's semantic types are determined based on the content of the resource, as indicated in Fig. 4 (buffer cache 224 is for data about employees while buffer cache 222 is for all other data).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6, 9, 11, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,061,763 to Rubin et al., hereinafter simply Rubin.

Regarding claims 6, 9, and 18-20, Rubin does not teach that his storage devices comprise an internet web site, however it would have been obvious to one skilled in the art to implement his storage devices on a web site since large databases such as his

are commonly accessed by many users from remote locations and are commonly provided on internet sites to facilitate easy access.

Regarding claim 11, Rubin only discloses LRU and MRU as methods for determining which entries to evict from the buffer caches, however it was known to use the claimed duration limit as a method of eviction (as admitted by Applicant in the admitted prior art). It would have been obvious to the skilled artisan to evict data based on duration in the cache since that method ensures that rapidly changing data will not be resupplied erroneously to a user.

Response to Arguments

7. Applicant's arguments filed 8/7/01 have been fully considered but they are not persuasive. Therefore the rejections are maintained.

Applicant is apparently demanding that the claim language "semantic type" be interpreted in light of the specification (unnecessarily repeated in the Amendment) which states that "semantic type" refers to the different connotative meanings that the information contents of resources can have, such as "highly volatile", "dynamically changing", "less dynamic", and "rather static". This demand would force "semantic type" to equate to some characteristic like "volatility", since all of the cited examples of semantic type appear to be some level of volatility.

It is submitted, however, that equating "semantic type" with volatility, as demanded by the Applicant when demanding that "semantic type" be read in light of the

spec, actually gives a meaning to the words "semantic type" that is repugnant to their ordinary meaning and is therefore not allowed.

Applicant is entitled to be his/her own lexicographer, but may not give terms a meaning which is repugnant to its clear English language meaning. In this case, "semantic type" has a clear meaning in the English language (a group or category of things having similar meaning) and therefore no reference to the specification is necessary. Where a claimed phrase is unclear, one may refer to the specification to give life and meaning to the claimed phrase. In the instant case, however, the phrase "semantic type" is not unclear. It has a clear, if broad, meaning and we need not resort to the specification to ascertain its meaning. To give the term the very restrictive meaning asserted by Applicant would be to read disclosed, but not claimed, limitations into the claim and to give the term a meaning repugnant to the plain English language meaning.

Furthermore, even if it is agreed that "semantic caching" means volatility, the rejection still applies since images and text have different volatility in the admitted prior art (indeed, the APA caches images and text differently because of the different volatility -- text is more volatile, images less volatile).

On page 6, lines 4-6, Applicant argues that "a representation of information (e.g., text, an image) is not the same as the semantic type of the information being represented." As an example of the inappropriateness of the Examiner's rejection, the Applicant cites that text and an image from the same web page would be kept together

and have the same semantic type, contrary to the Examiner's rejection where text and an image (perhaps from the same page) are separated.

In response, it is noted that Applicant is correct in saying that a representation of information is not the same as the semantic type of the information being represented. It is certainly true that an image file, for example, is not the same as the characterization of that file as an image. But the Examiner had never asserted otherwise, so it is not clear how such a statement contradicts the Examiner's rejection.

Regarding the Applicant's assertion that it would be illogical to cache text from a web page and images from the same web page with different caching policies, it is noted that the claims do not require the "information resource" to be a web page. As far as the claims are concerned, it is perfectly acceptable to interpret images and text as information resources, and therefore the rejection under 102(a) is maintained.

Regarding the 102(e) and 103(a) rejections in view of Rubin, Applicant asserts that "information resources relating to specific subject matter may be of different semantic types" (page 7, lines 12-13). As an example, Applicant says a glossary relating to a certain subject matter is rather static whereas press releases on the same subject matter are rather volatile. Again, Applicant is equating "semantic type" with volatility, which is not permitted since the English language meaning of "semantic type" is clear.

Since the clear English language meaning of "semantic type" is simply a group or category of things having similar meaning, Rubin meets that limitation. Rubin's device

groups objects of similar meaning (for instance all objects related to employment information) together in one buffer cache.

Even if semantic type is interpreted as volatility, Rubin meets the claim language since his data objects have different volatility -- different items in the database change more frequently than other items in the database. Employment information, for example, is rather static since people's employment doesn't change very often. Other information in the database is more volatile.

Conclusion

This is a CPA of applicant's earlier Application No. 09/374694. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this or an earlier communication from the Examiner should be directed to Primary Examiner Kevin Verbrugge by phone at (703) 308-6663.

Any response to this action should be mailed to Commissioner for Patents, Washington, D.C. 20231 or faxed to

(703) 746-7238 After-final

(703) 746-7239 Official

(703) 746-7240 Non-Official/Draft

and labeled appropriately (After-final, Official, Non-Official/Draft). Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA, 4th Floor (Receptionist).

Kevin Verbrugge
Primary Examiner
5/2/02

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IMPORTANT NOTICE

The Examiner's art unit number has changed from 2185 to 2187 due to the recent realignment of TC 2100. Please use the new art unit number of 2187 on all correspondence related to this case.

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